UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UMAR ALLI,

                        Plaintiff,

           -against-

ESU CAPTAIN LUE, SHIELD #880; ESU
NEVESU; ESU OFFICER JOHN DOE OF
AUGUST 22 USE OF FORCE; DOCTOR
JOHN DOE OF AUGUST 22 USE OF
FORCE; CITY OF NEW YORK,

                        Defendants.

23-CV-5284 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Attica Correctional Facility, brings this action

pro se. On June 20, 2023, the court received a single copy of the complaint, but it was docketed

twice and opened as two new civil actions under docket numbers 23-CV-5263 (LTS) and 23-CV-

5284 (LTS). The Court has reviewed the submissions in both actions and concludes that because

they are identical, this action (No. 23-CV-5284 (LTS)) was opened in error. The Court therefore

dismisses this action without prejudice to Plaintiff's claims pending under docket number 23-

CV-5263 (LTS). All future filings should be made in the case pending under docket number 23-

CV-5263 (LTS).

Because this action was opened in error, the Court directs the Clerk of Court not to

charge Plaintiff the $350.00 filing fee for this action, and the Warden or Superintendent having

custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for

this lawsuit.

CONCLUSOIN

The Court dismisses this action as duplicative without prejudice to Plaintiff's claims

pending under docket number 23-CV-5263 (LTS).

The Court directs the Clerk of Court not to charge Plaintiff the $350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court further directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: June 23, 2023
         New York, New York

                                    /s/ Laura Taylor Swain
                                    LAURA TAYLOR SWAIN
                                    Chief United States District Judge

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